IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10631 of 2004

Between:
Bharat Talkies, Mahabubnagar, Mahabubnagar District, rep.by its Prop.Khaja Fiazuddin

..... PETITIONER

AND

1 Government of Andhra Pradesh, represented by its Secretary, Home Department, Secretariat Building, Hyderabad.
2 The Joint Collector, Mahabubnagar District, Mahabubnagar

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the inaction of the 2nd respondent herein in not passing any orders on the application of the petitioner dated 18-08-2003 for reduction of seating capacity as illegal, null, void and arbitrary

Counsel for the Petitioner: Mr.K.DURGA PRASAD

Counsel for the Respondents: GP FOR HOME

The Court made the following ORDER:

This writ petition is filed by the Proprietor of Bharat Talkies, Mahabubnagar, aggrieved by the action of the second respondent in not passing any orders on the application of the petitioner dated 18.08.2003 filed for reduction of the seating capacity.

2. According to the petitioner, the theatre was constructed long back and is being run after obtaining necessary licence from the competent authorities. According to the petitioner, in view of the latest developments such as satellite channels, which are telecasting the films round the clock, the occupancy of this theatre has fallen steeply. Therefore, the petitioner made several representations to the second respondent from 1991 onwards seeking reduction of seating capacity, but no orders are passed. Finally, the petitioner made an application on 18.08.2003 to the second respondent requesting permission for reduction of the seating capacity. Even on that application also no orders are passed by the second respondent. Therefore, the petitioner has come up with the present writ petition.

3. At the time of hearing, the learned counsel for the petitioner contended that the issue as to the seating capacity is concerned, it was decided by this Court in **NATRAJ THEATRE v. GOVERNMENT OF ANDHRA PRADESH**[1] and the same was also confirmed by a Division Bench of this Court. Therefore, according to the learned counsel, the second respondent has no right to refuse to reduce the seating capacity as sought for by the petitioner. But, however, without passing any orders, the second respondent is causing loss to the petitioner. Hence, the present writ petition.

4. In view of the pendency of the application since 18.08.2003, the second respondent ought to have passed orders within the reasonable time. As no such orders are passed and the application is still kept

pending, the second respondent is directed to pass appropriate orders on the application of the petitioner dated 18.08.2003 for reduction of the seating capacity, within a period of two weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of at the admission stage.

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28.06.2004

Note: Furnish C.C in three days
B/o
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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Home Department, Government of Andhra Pradesh, Secretariat Building, Hyderabad.
2 The Joint Collector, Mahabubnagar District, Mahabubnagar
3 Two CCs to G.P. for Home, High Court Buildings, Hyderabad(OUT)
4 Two CD copies

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[1] 1999(5) ALD 693